

# **Chevy Chase Village Board of Managers**

**March 12, 2007**

## **BOARD OF MANAGERS**

Douglas B. Kamerow, Chair	Present
David L. Winstead, Vice Chair	Present
Susie Eig, Secretary	Present
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Present
Peter M. Yeo, Board Member	Present
Robert L. Jones, Board Member	Present

## **STAFF**

David R. Podolsky, Legal Counsel	Present
Ronald M. Bolt, Assistant Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Present
Michael W. Younes, Administrative Assistant	Present

Dr. Douglas B. Kamerow, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:33 p.m.

## **Approval of Minutes from the February 12, 2007 Board Meeting (Regular and Executive Sessions)**

Ms. Eig submitted changes to the minutes prior to the meeting.

**Ms. Eig made a motion to approve the minutes of the February 12, 2007 Board Meeting (Regular and Executive Sessions) as amended. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.**

## **Treasurer's Report**

The Treasurer's report was distributed to the Board prior to the meeting. Discussion followed.

## **Committee Reports**

### **Building Facilities Commission**

Mary Anne Tuohey, Chair of the Building Facilities Commission, stated that Amy Cooper of 5616 Grove Street was stepping down from the Commission and from the Committee on Children, Youth and Families (CYF) for personal reasons. Ms. Tuohey requested that the Board appoint Karen Spangler of 5418 Grove Street to the Commission as the representative of the Committee on Children, Youth and Families.

**The Board voted unanimously to appoint Karen Spangler to the Building Facilities Commission as the representative of the Committee on Children, Youth and Families.**

Ms. Tuohey outlined upcoming events to be held in the Village Hall. The Committee on Children, Youth and Families will be holding a babysitters safety course on Sunday, March 18 at 11:00 a.m. The Annual Village Art Show will open on Saturday, March 24 at 3:00 p.m. Discussion followed.

**Budget Committee**

Samuel Lawrence, Chair of the Budget Committee, stated that the Committee is comfortable with the proposed FY2008 budget as recommended by Mr. Biddle. Mr. Lawrence stated that there has been a significant jump in revenues received from the State over the past couple of years because of greater income tax revenues.

The Board applauded the efforts of Messrs. Lawrence and Biddle in drafting the proposed FY2008 budget. Mr. Lawrence added that due to current projections for income taxes the proposed budget does not include a property tax increase.

**Review of Contract with *Winter & Company***

Mr. Biddle stated that the proposed scope of work, if authorized by the Board, would include two (2) phases ending June 30. The first phase would identify problems and concerns as heard from Village residents at community meetings tentatively scheduled to begin Tuesday, April 17. The second phase would include drafting a preliminary strategy report to be presented to the Board via video conference at the May 14 regular meeting and a final strategy report to be delivered in person at the June 11 regular meeting. The Board would have an option for a third phase of work focused on implementation. In this phase, expected to run through the summer and early autumn, Mr. Podolsky-with input from the Board, *Winter and Company* and Village residents-would draft language for code amendments to address the problems and concerns defined in phases 1 and 2. The costs of phases 1 and 2 would total \$30,370.

Mr. Biddle added that in addition to phases 1 and 2, *Winter & Company* has submitted a proposed addendum to the contract to execute a Village-wide survey to gather opinions and concerns from any and all, especially those who might not be able to attend the anticipated workshops or focus group meetings. The survey carries an additional cost of \$3,800. The Board supported adding the proposed addendum to the contract.

Seymour Auerbach of 115 Hesketh Street stated that he believes that the control of mansionization was not difficult enough to warrant the hiring of a consultant.

Lisa Takesuye of 5614 Kirkside Drive stated that she agreed with Mr. Auerbach.

Ms. Stephens stated that public meetings have been held to discuss and interview candidate consultants. During those meetings, resident support was very strong for retaining a consultant.

Phillip Sheridan of 5416 Center Street agreed with the Board, stating that there is a need for transparency and that an outside consultant should be retained.

**Ms. Feldman made a motion to authorize the Village Manager to enter into a contract with *Winter & Company* to complete phases 1, 2 and a Village-wide survey, with a total cost not to exceed \$34,190. Mr. Winstead seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.**

## **New Business**

**Resolution No. 03-02-07: An order to modify the restrictions on parking on the streets in permit parking zones 1 and 3; and resolution No. 03-03-07: An order to modify the restrictions on parking in the 4100 block of Oliver Street permit parking area.**

Dr. Kamerow outlined recent parking permit issues stemming from the development of the Chevy Chase Center in permit-parking zones 1 and 3.

Chief Gordon stated that the Police Department had found that the majority of complaints and problems occur along the blocks east of the Buffer and west of Kirkside Drive. Currently, the department does not have the resources to dedicate an officer solely to parking enforcement from 7:00 a.m. through 6:30 p.m. when the zone parking restrictions are in effect.

The Chief recommended that parking be restricted to permit holders only, 24 hours a day, seven (7) days a week in Zones 1 and 3 and the 4100 block of Oliver Street. Contractors would be instructed to place a sign in the windshields of their vehicles stating the address where they are working. During the hours when the Mormon Church is holding services, along Kirkside Drive and Grove Street, courtesy would be extended.

Celia Shapiro of 5403 Center Street stated that she was not in favor of the resolution.

Michael Pliskin of 5419 Center Street stated that he was in favor of the resolution because the church has abused its privilege to park in the Village and that the privilege should be taken away. He suggested that one solution was to make only one side of the street permit parking only.

Jeffrey Thompson of 5500 Montgomery Street stated his support of the resolution and said that the parking in the area is out of control.

Nehama Babin of 5411 Center Street stated that she is opposed to modifying the permit-parking zone restrictions.

Jay Treadwell of 5420 Grove Street voiced his support for the Mormon Church and stated that he is opposed to the proposed restrictions.

Diane Kartalia of 5412 Grove Street stated that she had polled the residents of Grove Street and only one resident was in favor of the proposed restrictions.

Melissa Skofield of 5517 Park Street stated that she is opposed to the proposed restrictions.

Betty Tubbs of 5509 Montgomery Street stated that she is in favor of the proposed restrictions.

Deborah Potter of 5510 Western Avenue stated that she is opposed to the proposed restrictions because her visiting guests have to park on Grove Street and Kirkside Drive because there is no parking along Western Avenue.

Bishop Brad Brian of the Mormon Church stated that he had met with Messrs. Winstead and Biddle and Chief Gordon to discuss the proposed changes. He voiced his concern that if the new restrictions were adopted it would adversely affect meetings and services held at the Church.

Mr. Winstead asked Police Chief Gordon if there is another type of restriction that could be imposed that might not be as restrictive, but would still help alleviate some of the problems. Police Chief Gordon stated that he could look into other options.

Ms. Eig stated that three (3) issues need to be addressed. First, a study needs to be completed to accurately document parking use, second, staffing levels need to be examined to see if an officer or other employee needs to be detailed to parking enforcement, and third, area-specific issues need to be addressed on an individual basis.

Mr. Yeo stated that the value of the resolution as written provides for a broad solution, however, based on the lack of broad public support, there should be a more targeted solution. Mr. Winstead agreed.

Cheryl Baird of 3923 Oliver Street stated that she is opposed to the proposed changes because it would affect all the residents in the Village who pay taxes for the right to park on the streets throughout the Village.

Phyllis Kass of 33 West Irving Street, former chair of the Traffic Committee, stated that she was concerned that the proposed changes are being based off previous studies, conducted by the Village Police Department, which did not meet the requirements to warrant a change in parking restrictions. Ms. Kass stated that she is opposed to any proposed changes until an updated survey is completed.

Jane Roemer of 5402 Center Street stated that she was in favor of the proposed resolution because since the Chevy Chase Center has opened, she has observed an increase in traffic and parking.

Rosita Silber of 5505 Montgomery Street voiced her support for the proposed restrictions stating that the main issue at stake is the safety of Village residents.

Dr. Kamerow stated that, of the comments heard; those in favor of the proposed restrictions were primarily from Montgomery Street.

The Board recommended that the Village Police Department conduct a comprehensive survey of actual parking levels. After survey results are obtained, specific recommendations to modify permit-parking restrictions, if needed, should be presented.

**There was no action on Resolution Nos. 03-02-07, 03-03-07.**

**Resolution No. 03-01-07: Amendment of Fee Schedule (Permit Parking Ordinance)**

Dr. Kamerow stated that the Amendment would eliminate the \$5 fee for residential zone parking permits.

**Ms. Stephens made a motion to approve Resolution No. 03-01-07. Mr. Yeo seconded the motion. Dr. Kamerow, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. Mr. Winstead, Ms. Eig and Ms. Feldman were not present to vote. The motion passed.**

**Resolution No. 03-04-07: Emergency ordinance to impose a temporary moratorium on the processing of applications for permits for demolition and/or construction or erection of buildings or other structures.**

Dr. Kamerow stated that the Board had asked Counsel to provide a draft resolution imposing a temporary moratorium on the processing of applications for permits for demolition and/or construction or erection of large buildings or other structures.

Mr. Podolsky outlined the basic elements of the moratorium resolution, which would expire on October 31, 2007 if adopted as written. Mr. Podolsky explained that an amendment to the first draft has been proposed. The amendment “grandfathers” certain projects that have been through the Historic Preservation Commission (HPC) process.

Vincent Gaffney of 209 Primrose Street stated that he is opposed to the resolution because he is currently in the process of selling his parent’s house and that the restrictions would negatively influence the value of his parent’s house.

Phillip Sheridan of 5416 Center Street stated that he is in favor of the resolution, but not in favor of the proposed amendment.

Jerome Powell of 5921 Cedar Parkway and 37 West Lenox Street stated that he has gone through the HPC review and approval process, that it is very time consuming, and that he is in favor of the proposed amendment.

Price Floyd of 122 Hesketh Street stated that he is in favor of the moratorium, provided a larger square footage exemption is included.

Richard Zantzinger of 5815 Cedar Parkway stated that he does not think there is an out of control problem in the Village warranting a moratorium.

Ms. Kass stated she is opposed to the moratorium because of the economic consequences to the residents.

Staff circulated an amended version of the resolution providing an exemption for projects and residences designated as historic for which an Historic Area Work Permit is issued.

Mr. Powell asked for an explanation of the amendment. Mr. Podolsky responded that it is to allow an exemption from the moratorium if the project has been through the HPC review and approval process.

Duane Gibson of 23 West Irving Street stated that he is opposed to the moratorium, however, he would support the moratorium if the proposed amendment is included.

Herbert Geller of 5617 Grove Street stated that he supports the moratorium with the proposed amendment.

Jung Lee of 5505 Center Street stated that he is opposed to the moratorium and is concerned that plans that he is currently working on will be subject to the moratorium if the footprint exemption is not increased.

Pourya Dehnadi of 139 Hesketh Street suggested that a grandfathering clause be included to exempt those residents who have begun the permitting process with Montgomery County or HPC as of a certain date.

Margaret Sheridan of 5416 Center Street stated that she is in favor of the moratorium.

Mr. Yeo stated that the Village needs to be careful of mansionization and was concerned that if the Board does not impose a temporary moratorium further large scale building projects will cause harm to the Village community's landscape while the Board executes its building regulation review process. Mr. Yeo added that the Board is not stopping additions, but is trying to preserve the historic character of the Village.

Ms. Feldman stated that a moratorium may be useful at this time, but the Board needs to look at a grandfathering process for projects currently in the review process.

Mr. Zantzinger said he felt the Board should impose a moratorium on demolitions only.

Ms. Eig stated that the moratorium should have exemptions for those who have begun the review process with the County and HPC as of a specific date.

Ms. Stephens stated that she was opposed to the moratorium because it is unfair to those outside the Historic District who are not able to go through the HPC review process.

Dr. Kamerow stated that he supported the moratorium including the proposed HPC amendment and inclusion of a clearer appeal process.

Alex Boyle of 49 West Lenox Street stated that he supported the moratorium as written.

Margaret Cook of 5410 Center Street stated her support for the moratorium.

Ms. Touhey stated that she is in favor of the moratorium.

Mr. Winstead asked Legal Counsel if jurisdictions other than the Town of Chevy Chase have imposed moratoriums. Mr. Podolsky responded that Montgomery County has done it twice; the City of Rockville and the Town of Garrett Park have imposed temporary moratoriums. The Village imposed a temporary moratorium in the 1980s on the construction of swimming pools.

Mr. Jones suggested changing the proposed amendment to include those residents who have already applied for a Montgomery County building permit as of a specific date.

John Lynham of 32 West Kirke Street stated that he opposes the proposed amendments.

**Mr. Jones made a motion to approve Resolution No. 03-04-07, as amended, including an exemption for properties where the owners have applied for a Montgomery County building permit as of the date of the moratorium. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Stephens voted against the motion. The motion passed.**

#### **Decisions on Previous Appeals**

None.

#### **Appeals**

**A-1609(a) through (y): Mr. and Mrs. J. Byrne Murphy, 10 East Kirke Street—Removal of twenty-five (25) Hemlock trees of varying diameters located in the front yard of the property.** Mr. and Mrs. J. Byrne Murphy were in attendance and presented their request. Mr. Murphy stated that the removal of the hemlock trees will make room for an extensive landscaping plan, which will include several canopy trees. Discussion followed.

**Ms. Eig made a motion to direct Counsel to draft a decision approving the (a) through (y) removal of twenty-five Hemlock trees of varying diameters located in the front of the property, provided the applicants must reforest with at least five (5) Hornbeam (Carpinus betulus) trees as shown in their landscape plan, or with at least five (5) deciduous hardwood canopy trees, which must be at least 2 ½ inches in caliper at the time of installation and must be of a species that achieves a mature height of at least 45 feet. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. Mr. and Mrs. Murphy asked for the decision to be expedited.**

**A-5204: Mr. and Mrs. Paul Warren, 6301 Broad Branch Road—(a) Replace an existing three and one half (3 ½) foot high picket fence with a five (5) foot high vertical board fence located between the front lot line and the front building restriction line; (b) replace an existing three and one half (3 ½) foot high picket fence with a five (5) foot high vertical board fence in the Broad Branch Road public right-of-way.** Mr. Warren was in attendance and presented his request stating that the reason for increasing the fence height to five (5) feet was to provide for more privacy from the traffic traveling along Broad Branch Road.

Ms. Eig stated that she did not feel that there is a need to increase the height of the fence to five (5) feet when additional landscaping would be more effective. Discussion followed.

**Ms. Stephens made a motion to direct Counsel to draft a decision approving the (a) Replacement of an exiting three and one half (3 ½) foot high picket fence with a five (5) foot high vertical board fence located between the front lot line and the front building restriction line; (b) Replacement of an existing three and one half (3 ½) foot high picket fence with a five**

**(5) foot high vertical board fence in the Broad Branch Road public right-of-way. Ms. Feldman seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. Ms. Eig voted in against the motion. The motion passed. Mr. Warren asked for the decision to be expedited.**

**A-5206: Mr. and Mrs. Marc Weller, 26 Oxford Street—Install two (2) external air conditioning units in the west front yard (Brookville Road) of the property.** Ms. Fendrick, landscape architect for Mr. and Mrs. Weller, was in attendance and presented the request on her client's behalf. Discussion followed.

**Ms. Eig made a motion to direct Counsel to draft a decision approving the installation of two (2) external air conditioning units in the west front yard (Brookville Road) of the property. Ms. Jones seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. Ms. Fendrick asked for the decision to be expedited.**

## **Old Business**

### **Review of Contract with ACS (Speed Cameras)**

Mr. Biddle stated that with a signed contract, May 1, 2007 becomes the target operational ready date for the photo speed enforcement program. Discussion followed.

**Mr. Yeo made a motion to authorize the Village Manager to enter into contract with Affiliated Computer Services, Inc. (ACS) for the administration of the Village's photo speed enforcement program. Ms. Stephens seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed.**

### **Chairman's Report**

None.

### **Manager's Report**

#### **Planning Board**

Mr. Biddle stated that Meredith Wellington of 18 West Lenox Street has served as a Planning Board Member on the County's Planning Board for two (2) terms and is not eligible for reappointment. Before April 25, there is an opportunity to identify potential replacements who would be familiar with and sensitive to Village concerns. Mr. Biddle identified two individuals - Bob Cope and Julie Davis as potential interested parties. The Board directed Mr. Biddle to circulate names for the Board to discuss at its April 9 regular meeting.

#### **Police Report**

The monthly Police Report was distributed to the Board prior to the meeting. Discussion followed.



**Mr. Jones made a motion to adjourn the meeting. Mr. Yeo seconded the motion. Dr. Kamerow, Mr. Winstead, Ms. Eig, Ms. Feldman, Ms. Stephens, Mr. Yeo and Mr. Jones voted in favor of the motion. The motion passed. The meeting adjourned at 11:23 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*